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INSPECTOR GENERAL

76-0377

18 February 1976

MEMORANDUM FOR: Chief, Review Staff

SUBJECT : Records from HSC Executive Sessions

1. Attached is a proposed procedure for disposing of transcripts developed by the HSC during Executive Sessions. It takes the form of a resolution, which has the effect of imposing the conditions under which Archives is given the records in question. It is a modified version of the general form developed earlier for all the records of both committees.

2. Your attention is invited to the following:

a. Section 2 ensures separate and secure physical storage.

b. Section 3 is designed to establish controls on access. Section 3(a) attempts to establish a third Agency rule; this may not be practical because it is clear that the HSC does not want any departments or agencies to have access to the information, but it is left in because the third Agency rule is worth recording.

c. Section 4 contains an influence on the part of the Executive Branch in eventual declassification; note that it does not give control to the Executive Branch but provides only for "consultation" which may be acceptable to the HSC.

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d. Section 5 reserves for the records the exemption that Congress has given itself under FOIA.

S. D. Breckinridge
Deputy Inspector General

Attachment a/s

RESOLVED, that all transcripts, or other documentary materials, regardless of physical form or characteristics, made or received in Executive Session by the Select Committee on Intelligence, established under House Resolution 591 of the 94th Congress, shall be transferred upon the termination of the Select Committee's mandate to the National Archives and Records Service as a trustee for and agent of the Congress, there to be held in secure storage as described below in Section 2, with their use being limited to those persons or organizations authorized in the manner described below in Section 3.

Section 2. All records transferred to the National Archives and Records Service for secure storage by the House Select Committee shall be stored in a secure area or areas separate and discrete from all other areas in which records are stored by the National Archives and Records Service. This secure storage shall meet the security specifications designated in Executive Branch standards for appropriate storage of classified and/or unclassified material. The Central Intelligence Agency, acting in behalf of the Executive Branch, will conduct a physical security survey to ensure that the storage facilities meet those standards--National Archives and Records Service personnel with access to the records will be appropriately cleared and briefed for records requiring special clearance.

Section 3. Use of the records transferred by the House Select Committee to the National Archives and Records Service shall be limited to persons cleared and briefed for the classifications and controls of the materials involved, and shall be further limited to those persons and members of organizations authorized in the specific manner described below:

Section 3(a). Use of the records containing information originated by the House Select Committee shall be limited to (1) current members of the acting, duly established House Legislative Oversight Committee or Committees, (2) appropriate staff members of the acting duly established House Legislative Oversight Committee or Committees, as duly authorized by the Chairman of such Committee in writing. Use of such stored records, developed in Executive Session by the House Select

Committee from the testimony, depositions or affidavits of the employees or of former employees of the various departments, agencies or organizations shall be subject to the requirements of Section 3(b), below, as though furnished by them.

Section 3(b). Records furnished or information provided to the House Select Committee shall be available for use by persons, agencies, departments, or organization, or by congressional committees or bodies other than the duly designated House Legislative Oversight Committee or Committees, only with the prior concurrence of the originating department, agency, organization, or its successor.

Section 4. Eventual downgrading or declassification of the above classified records transferred by the House Select Committee to the National Archives and Records Service, shall be carried out in consultation with the affected departments, agencies and organizations, or their successors, in accordance with applicable statutes and Executive Orders.

Section 5. Should any request under the authority of 5 U.S.C. Section 552 be received for records held by the National Archives and Records Service hereunder, the National Archives and Records Service shall advise any person making such request that the records are not subject to the provisions of 5 U.S.C. Section 552.

*Full House
in collaboration with the executive*